

Call to Order:

The meeting was called to order at 7:37 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi (arrived at 7:47 p.m.), Joan Duff, John McDonnell (arrived at 8:15 p.m.) and associate member Mark Yanowitz; also present was Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Form Base Code Project:

Mr. Materazzo reviewed his memo to the Board dated July 7, 2010 which included topics that were discussed by the Tri-Town Task Force. Mr. Materazzo noted he has received comments from stakeholders, residents and other interested parties. Mr. Materazzo stated they are working with Mass Development to develop a market and impact analysis. Mr. Yanowitz asked about the process to validate and update the Form Base Code (FBC) as needed. Ms. Anderson questioned the time-frame for public comments from Boards and stakeholders, and noted she will make a list of comments for the Board. Mr. Materazzo noted that the Board has had the FBC for two months, and Board members should e-mail him their comments by July 20th. Ms. Anderson noted that if the stakeholders have concerns, the Board should hear about them prior to the Aug 3rd meeting so they can be addressed. Mr. Materazzo noted that he has received comments from the stakeholders and will forward their letters to the Board. Mr. Yanowitz had concerns with the residential component and the impact it may have on the schools. Mr. Materazzo noted as part of an application, a market and impact analysis to the community must be submitted and if it impacts the school there could be mitigation as outlined in Section 708.6.b(iii). Mr. Materazzo noted that the 40B projects in Andover can show what the impact of students was to the schools. The Board suggested a meeting with the Tri-towns after one year to discuss what process has been made. Buddy Woods, a stakeholder who owns 54 acres noted that his vision would be to develop about 25 to 30 acres. He would then give 20 acres to the town for a boat launch, and bike paths on his property, which abuts the river. He wants to make it a destination place. Dale Blank representing Pfizer, One Burt Road, Andover, stated it would be beneficial to share comments with the Board and noted that Pfizer is still reviewing the FBC draft. Stan Franzeen, Coordinator of The Junction TMO, Inc. noted that they will present additional comments to the Board on the FBC draft. Mr. Materazzo noted this is the 1st draft and a 2nd draft will be presented in the fall and the Tri-Town Boards should come to a consensus on the FBC.

Pine Forest Park:

The Board opened the public hearings that were continued from the May 25th meeting, on an application by Angelo Petrosino for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with an 11-lot subdivision entitled Pine Forest Park. Attorney Thomas Mullen, representing the applicant, stated that they have been having a major problem with MASS Highway. The applicant, Angelo Petrosino noted that they have not heard a response from MASS Highway due to vacations and the holiday. Attorney Mullen noted that the applicant would withdraw without prejudice and when they re-apply would ask to have the filing fees waived. Chairman Salafia noted that he has submitted his resignation and his last meeting is July 27th. He stated that the application has been before the Board for over a year and he is concerned of the potential for constructive approval. Luke Roy, of O'Neill Associates representing the applicant, stated he has reviewed the memos from DPW and the Fire Protection

Pine Forest Park (cont.):

Peer Consultant and in his opinion the plans are complete as they stand today. Ms. Byerley reviewed her memo to the Board dated July 8th which included concerns from the Fire Department dated July 8, 2010. The Board discussed the merits of the applicants request to withdraw their applications for a Definitive Subdivision Plan and Special Permit for Earth Movement and noted that there are more issues then just the Mass Highway approval that need to be addressed. Ms. Reilly of 2 Flash Rd. noted they live next to the existing emergency access and during the winter months there is always a 15' snow bank at the beginning of the existing opening. The resident of 37 Burroughs Rd., North Reading noted the town only opens the access during a flood, and they usually have a 2 day warning when it's going to flood. Mr. Roy noted that they are proposing the emergency access within the subdivision not through the existing emergency access in North Reading. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to allow the applicant's request to withdraw their application for a Definitive Subdivision plan and Special Permit for Earth Movement entitled Pine Forest Park without prejudice and to waive the per lot filing fee but not the administrative and legal ad fees if a new filing is submitted prior to July 13, 2011. **Vote** Unanimous (5-0);

It should be noted Ms. Duff recused herself from the Reynolds St. discussion and left the meeting after the vote for Pine Forest Park.

Reynolds Street:

Ms. Byerley reviewed her memo to the Board dated July 9, 2010. Ms. Byerley noted that the plan and the restrictions have to be recorded to be a valid subdivision in order to enforce any violations of the conditions of approval. Thomas Urbelis, Town Counsel stated that he has no objections that the Board re-affirm their vote for the sole purpose of recordation and noted the subdivision is not official until it is recorded. Ms. Anderson noted that she has reviewed the restrictions and is concerned that what is on the ground is not in compliance with the Board's approval. On a motion by Mr. McDonnell seconded by Mr. Chiozzi the Board voted to re-affirm their previous definitive plan approval of the Reynolds Street Definitive Subdivision Plan and Special Permit for Earth Movement. Said re-affirmation is for the sole purpose of recording the record plan and documentation at the Essex North registry of Deeds. Said vote is not an affirmation that what is constructed is in accordance with the approved plan. **Vote** Unanimous (4-0); It should be noted Ms. Duff returned to the meeting after the vote on Reynolds St.

Merrimack Estates:

The Board took up the discussion on a request to waive the construction of a sidewalk along River Road by the developer of Merrimack Estates. Kenneth Lania of K & M Land Consultants, LLC representing the applicant gave an overview of the Board's last meeting and noted he painted white lines on the street where the proposed sidewalk will be. Mr. McDonnell reviewed his site visit to the area and noted there are no other sidewalks in the area and in his opinion it should not be constructed. Ms. Duff noted that a large project called Avalon Bay has been for that area; River Road is a busy street and at some point sidewalks are going to have to be constructed. Mr. McDonnell noted that the sidewalk has to be built to ADA standards and a wheelchair cannot fit around the bollards. Mr. Lania handed the Board a map dated Sept. 4, 2007 showing the proposed location of the sidewalk.. The Board discussed the Verizon box, and

Merrimack Estates (cont.):

the bollards The Board asked to see the easement between the Town and Verizon. Mr. McDonnell expressed concern regarding maintenance issues with the sidewalk. Mr. Yanowitz asked if they could construct the sidewalk at a later time or install it across the street. The Board discussed the sidewalk and suggested establishing a sidewalk fund in lieu of constructing sidewalks. Ms. Byerley reviewed her memo to the Board dated July 6, 2010 and condition # 38 of the Board's approval. The Board was in consensus to continue the discussion to their July 27th meeting. **Vote** Unanimous (5-0)

Monette Circle:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the deed restriction submitted by the applicant for the lots on Monette Circle which describes the required homeowner maintenance of the infiltration trenches and drywell systems. **Vote** Unanimous (5-0)

Monette Circle:

On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to establish the Erosion & Stabilization Control Bond for Monette Circle by the developer in the amount \$14,100.00 pursuant to Condition # 32 of the Definitive Subdivision approval. **Vote** Unanimous (5-0)

Minutes:

On a motion by Ms. Anderson seconded by Ms. Duff the Board voted to approve the minutes for April 6th, April 13th and May 11, 2010. **Vote** Unanimous (5-0)

Swan Crossing III:

Ms. Byerley reviewed her memo to the Board dated July 9, 2010 which contained Swan Crossing III's drainage easement, drainage plan, Master Deed, Declaration of Trust, Amended Conservation Restriction, Amended Golf Easement, Amended Notice of Lease, Amended Common Covenant and Easement and Deed to Cormier-Andover Greenbelt Corporation, all of which have been reviewed and approved by DPW and Town Counsel. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the documents submitted which are outlined in Ms. Byerley's memo to the Board dated July 9, 2010. **Vote** Unanimous (5-0)

Town Meeting 2011:

Mr. Materazzo reviewed his memo to the Board dated June 15, 2010 outlining a list of planning issues for consideration for the Annual town Meeting 2011. The Board discussed the list and requested a copy of the Board's procedures for Planning Board sponsored warrant articles for town meeting.

Mr. Materazzo reviewed a potential private warrant article for an overlay district at 5 Campanili Drive. Town Counsel, Thomas Urbelis noted there could a Special Town Meeting called in Dec.

Form Base Code Project:

The Board continued their discussion on the Form Base Code (FBC). Kerry O'Kelly a member of the Lowell Junction Interchange Task Force noted that they have not had a meeting with the neighborhood but will do so during the next round and the Task Force will submit a letter with comments. She also noted the neighborhood will have a lot of questions regarding the structure

Form Base Code Project (cont.):

of the FBC. The Board discussed the FBC and the complexity of the concept and suggested the Task force summarize the FBC for public. Ms. Kelly noted that will put together a fact sheet with question and answers.

Adjournment: The Board voted to adjourn the meeting at 9:47 p.m.